

IN UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

GERTRUDE ANITA BROADWAY,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION
)	NO. 2:10-cv-02898-JPM-tmp
FEDERAL EXPRESS,)	
)	
Defendant.)	

MOTION TO QUASH SUBPOENA OF MIKE ODIGIE

1. On November 14, 2011, defense counsel recessed the deposition of Mike Odigie. The parties agreed to.... “adjourn this deposition to another date that we would discuss.” Defense counsel did not attempt to address this issue again until January 4, 2012. Plaintiff submits that even resumption of the deposition is untimely because on January 10, 2012, Plaintiff’s Response to Defendant’s Motion for Summary Judgment and supporting documents is due.

2. On January 4, 2012, Defendant also subpoenaed the witness for a resumed deposition to occur on Monday, January 9, 2012 beginning at 9:00 a.m.

3. The subpoena should be quashed because it is untimely.

4. In addition, Plaintiff’s counsel cannot be present at such deposition in any case on the scheduled date because of a funeral in which he is a participant that will be occurring at the same time. The funeral involves a close relative of Plaintiff counsel’s paralegal.

5. If the Court does not see fit to quash the subpoena and notice, plaintiff respectfully requests that she be afforded four working days after the deposition is taken in which to submit

her response to Defendant's Motion for Summary Judgment which is currently now due on January 10, 2012.

WHEREFORE, Plaintiff respectfully requests that the subpoena for deposition of Mike Odigie be quashed, or in the alternative, be granted until January 16, 2012 to file her Response to Defendant's Motion for Summary Judgment.

Respectfully submitted,

/s/ John W. Walker
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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of January, 2012, a true and correct copy of the foregoing was filed and served electronically with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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